

EXHIBIT B - CONDITIONS OF APPROVAL

DRC2015-00044

Approved Development

1. Issuance of a Coastal Development Permit/Minor Use Permit (DRC2015-00044) to allow for the closure and abandonment of the Phillips 66 Company Line 354 Family of pipelines; this will include: exposing fourteen portions of three buried pipelines, where the pipes will be cleaned, capped and 'inerted' (neutralized with nitrogen gas). The project will be conducted in 14 work areas, and result in the total disturbance of approximately 12,570 square feet and excavation work will total approximately 124 cubic yards.

Site Development

2. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plans and pipeline alignment.
3. **Construction/Improvement Plans and Fieldwork Compliance. Prior to construction permit issuance**, the following pre-construction conditions shall be shown on all applicable grading/ construction or improvement plans/drawings, and reviewed/ approved by the County (Planning and Building Dept.) prior to issuance:

- Other Agency Permits
- Fire Safety
- On-site Environmental/Biological Monitor(s)
- Restoration Work
- Habitat Restoration Plan – Bond
- Spill Contingency Plan
- Emergency Response Preparation

Prior to any work or vegetation removal beginning the following conditions shall be adhered to:

- Restoration Work
- Pre-construction Surveys
- Project Limits
- Minimize Disturbance
- Worker Education
- Slope Stability-Accessways
- Spill Contingency Plan

During construction all of the following conditions shall be adhered to and kept in good working order, as applicable.

- On-site Environmental/Biological Monitor(s)
- Progress Reports
- Dust Control
- Air Quality – Hydrocarbons
- Project Limits
- Minimize Disturbance
- Coordination
- Worker Education
- Soil Stabilization
- Vibrations
- Revegetation
- Slope Stability-Accessways
- Cultural Resource – Construction Monitoring
- Spill Contingency Plan
- Emergency Response Preparation
- Pipeline Preparation
- Contaminated Soils

Prior to final inspection, the applicant shall provide verification to the satisfaction of the County that the following applicable conditions have been adhered to:

- Restoration Work
- Topographic Restoration
- Revegetation
- Cultural Resource – Construction Monitoring

4. **Other Agency Permits. Prior to issuance of a construction permit**, for the following agencies, the Applicant shall provide the County with one of the following: evidence that no permit is needed or that there is no agency authority; or, when permit required or agency authority, provide an Agency letter or other acceptable verification that the applicant has obtained Agency approval:

- a) CalFire
- b) County Health Department
- c) County Air Pollution Control District
- d) County Public Works
- e) California Department of Fish and Wildlife
- f) Caltrans (District 5)
- g) California Coastal Commission
- h) Federal Agencies (DOE, USFWS, etc.)

Fire Safety

5. **Fire Safety. At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code.

Monitoring

6. **On-site Environmental/Biological Monitor(s). At the time of application for construction permits, and prior to work beginning**, the applicant shall retain an Onsite Environmental Monitor (OEM) to be present at the project site at any time, day or night, during all remediation related activities. The applicant shall provide a weekly schedule of all activities expected for the week ahead to the Onsite Environmental Monitor. **During construction**, weekly reports shall be submitted to the County (Planning) of observations made on COA compliance and actions recommended and/or taken to insure compliance. For any work within the Guadalupe Restoration Project boundaries, all work shall be coordinated with the GRP team, including their OEM.

If sensitive species could potentially be affected, at the discretion of the OEM a Biological Monitor under the OEM's direction will be physically present at the site when remediation activities are occurring and shall monitor the construction zone and suitable sensitive species habitat within the project vicinity. The monitor shall be notified immediately if any sensitive species is observed inside the construction work area or within 200 feet of the zone. Only the Biological Monitor, or other qualified biologists approved by the resource agencies, shall handle or approach any sensitive species, except where lack of action would endanger the health of an individual animal. If construction operations threaten to injure individuals of a sensitive species, the Biological Monitor shall request the construction

personnel to alter their activities so as to avoid such injury and shall immediately notify a designated project representative and the Onsite Environmental Monitor who will notify the County Department of Planning and Building.

7. **Progress Reports. During construction**, the applicant shall provide to the County a schedule of planned activities along with weekly and quarterly progress reports.

Air Quality

8. **Dust Control. During construction**, the applicant shall implement some or all of the following measures at any time when sustained wind speeds exceed 20 knots (25 mph) or if opacity of the air near any destabilized areas (e.g., construction zones, stockpiles, etc.) exceeds 20%. Sufficient measures shall be used to improve air visibility and reduce opacity to less than 20%. The Onsite Environmental Monitor shall have obtained ARB certification to be able to identify when 20% opacity is being exceeded:
 - a. Water shall be applied to work areas generating dust.
 - b. Activities that involve soil destabilization shall cease until conditions improve.
 - c. Other soil stabilization measures, approved by the SLOAPCD, are implemented. The applicant shall also demonstrate to the County (Planning) that any SLOAPCD-approved stabilizers will not have an adverse impact to any areas identified with potentially sensitive wildlife nearby.
9. **Air Quality – Hydrocarbons. During construction**, the applicant agrees to follow all provisions listed in the SLOAPCD 10/13/15 letter relating to: hydrocarbon contaminated soil; Pipeline Purging Plan; update air permits and/or emission control devices (e.g., Permit 1945-1); on-site power equipment; asbestos; burning; and diesel idling.

Biological Resources

10. **Restoration Work. At the time of application for construction permits** each site shall have a specific restoration, revegetation, and monitoring plan (Plan) prepared which will be reviewed by the County. Plan elements that are general or apply to multiple sites may be contained in an appendix and included by reference. Each site-specific plan shall include, but not necessarily be limited to, the following elements:
 - a. **Prior to any remediation, abandonment, or infrastructure removal activities**, a baseline pre-construction biological survey shall be completed to verify biological report work already conducted (AECOM, 1/27/16 & 4/4/16 biological reports). The survey shall identify all species occupying or using the site, estimate the abundance (density or percentage ground cover), size or age structure, and condition of resident species, and the intensity of use (e.g., time spent foraging or loafing) of non-resident species. Wildlife surveys must be conducted within 30 days of the disturbance. Vegetative surveys must be conducted within 6 months of the disturbance, and when possible during the Spring.
 - b. Based on the above surveys, the Plan shall identify measures and/or performance standards to achieve at least a 1:1 replacement (no net loss) of all identified sensitive habitats and species.
 - c. **Prior to final inspection**, the applicant shall provide verification to the satisfaction of the County that the Plan and each work area has been implemented as approved.

11. Pre-construction Surveys. Within 30 days before excavation, construction, installation of equipment, pipeline removal or any other activity associated with site characterization, oil spill remediation, or infrastructure removal, a county-qualified biologist(s) shall survey all proposed construction, staging, and access areas for presence of sensitive species that might reasonably be expected to occur based on known habitat requirements or previous sightings. Sensitive species are defined as (a) species which are listed by state or federal agencies as threatened or endangered or which are designated as candidates for such listing, (b) California species of special concern, (c) fully protected or "special animal" species in California, (d) plants considered rare, endangered, or of limited distribution by the California Native Plant Society. Individuals and colonies shall be mapped and clearly marked, their condition shall be determined and numbers of individuals or percentage of ground coverage or other appropriate measure of abundance shall be determined and recorded. If sensitive species are present, the applicant will implement the following requirements:

- a. Adjust or limit construction areas and access routes and construction timing to avoid impact to individuals or colonies of sensitive species.
- b. Where impacts to federal- and state-listed plant species are unavoidable, develop and implement a salvage, propagation, and replanting program that will utilize both seed and salvaged (excavated) plants which constitute an ample and representative sample of each colony of the species that would be impacted. The program plan shall include measures to perpetuate to the greatest extent possible the genetic lines represented on the impacted sites by obtaining an adequate sample prior to construction, propagating them and using them in the restoration of that site. The salvage, propagation, and replanting program shall be approved by the County Department of Planning and Building before any activities that could potentially impact federal- and state-listed plant species or a separate mitigation plan that compensates for direct impacts (including mortality, decreased fitness (e.g., growth or breeding success) and loss of habitat) and temporal losses shall be developed in consultation with, and be approved by the County Department of Planning and Building, within one year following habitat restoration at the site.
- c. Where impacts to sensitive wildlife species or their habitats are unavoidable, develop and implement a capture and relocation program. Prior to construction, the site and the surrounding area for a minimum distance of 200 feet beyond the disturbance polygon, will be searched and individuals identified or captured (by approved personnel using techniques appropriate to the species of concern [e.g., visual examination, baiting, night lighting, netting, trapping, etc.]) and approved by the appropriate resource agencies. Appropriate barriers to movement will be erected or setbacks established to minimize movement into the construction area. The area will be periodically searched and individuals removed, when appropriate. All captured individuals will be released as soon as possible into suitable habitat that has previously been identified or will be maintained in captivity and released where captured after restoration and revegetation is completed. The size or age-class, location of capture, and the relocation site shall be recorded for each individual relocated from the site. The program plan shall be developed in

consultation with the County Department of Planning and Building and other applicable resource agencies, as appropriate.

12. **Project Limits.** The applicant shall restrict construction activities and equipment to existing roads, pads or otherwise disturbed areas as much as possible. **Prior to work beginning**, 'Project Limit' boundaries shall be shown on all applicable drawings, and where sensitive resources exist, this limit shall be clearly marked in the field, and avoided **during construction**. All personnel shall be instructed to not perform any activities beyond the project limits boundaries.
13. **Minimize Disturbance. Prior to work beginning**, Where access to sites or pipeline abandonment must be through native habitats, a qualified biologist in cooperation with the County shall determine the most suitable and least environmentally damaging access route to the site. This access route shall be clearly marked, and **during construction** will be considered part of the construction zone/project limits.
14. **Coordination. During construction**, oil field abandonment activities on the GRP site shall be completed **prior to, or concurrent with, proposed pipeline work**, with the intent that all 'overlap' work will be done at one time. Original topography shall be restored to the extent possible, and stabilized if necessary by physical means such as jute netting, that is compatible with surrounding wildlife.
15. **Worker Education. Prior to work starting**, a qualified biologist, approved by the County Department of Planning and Building, shall conduct a brief training session for all field personnel. Training shall include a brief description of all sensitive species potentially occurring on or near sites, details on each species habitat, the protective measures to be implemented for each species, a description of the role of the County /Onsite Environmental Monitor and Biological Monitors, and the responsibilities of those on site to protect resources. Furthermore, the OEM shall provide additional training to work crews about other field conditions of approval that relate to other field-related aspects, such as appropriate measures and when to control dust, as one example. Anyone not trained at the initial training session shall receive **during construction** and prior to their starting work on-site.
16. **Soil Stabilization. During construction**, to impede the initiation of sliding during abandonment activities the applicant shall apply a degradable binder to the sand surface to form a temporary, low strength crust after receiving approval from the County Department of Planning and Building, or use another comparable approach with County approval. Prior to use, such a binder shall be shown to the County to have no long-term adverse impact to wildlife.
17. **Vibrations. During construction**, to minimize vibrations, the applicant shall use the lightest suitable equipment for activities near steep slopes.
18. **Topographic Restoration.** Depressions caused by any pipeline removal shall be backfilled along pipeline routes that are in active and stable dunes if their alignment is closer than 20 degrees to the dominant wind direction (i.e., northwest to southeast) unless otherwise determined by the independent Onsite Environmental Monitor. All soils imported to each excavation area shall be similar to the soil where it is being placed. **Prior to work beginning**, all imported soil sources shall be identified. Imported soil sites shall have been reviewed for and cleared from any sensitive archaeological and biological resources.

19. **Topographic Restoration.** All 'bell hole' excavations and stockpile areas must be restored to pre-construction contours, use best management practices and revegetated to stabilize the areas **prior to final inspection.**
20. **Revegetation. During construction and prior to final inspection,** bare sandy areas shall be revegetated immediately after facilities have been removed and grading has taken place.
21. **Slope Stability-Accessways. Prior to work beginning and during construction,** any temporary roads or vehicle accessways that need to be constructed shall be aligned at angles farther out than 20 degrees to the dominant wind direction (i.e., northwest to southeast) and shall not cross ridgelines unless otherwise determined acceptable by the OEM.
22. **Habitat Restoration Plan.** For all areas where native vegetation will be removed, a Habitat Restoration Plan shall be prepared to identify a) the amount and type of vegetation impacted, b) the type of vegetation to be used for restoration, c) the planting methodology to be followed for restoration, d) success criteria to be used and actions to be taken when criteria is not met, e) a three year program that will achieve a no-net loss of native vegetation, f) maintenance requirements. This Plan shall be reviewed and approved by the County **prior to construction permit issuance.** The Plan shall be implemented **prior to final inspection.**
23. **Habitat Restoration Plan - Bond. Prior to construction permit issuance,** funding, in the form of a bond or county trust account, for the county-approved Habitat Restoration Plan shall be established. County shall review and approve cost estimates to implement the HRP prior to the applicant securing the bond funding.
24. **Habitat Restoration.** Per Coastal Plan Policy 51, the HRP and vegetation restoration efforts shall include the following elements:
 - a. remove and conserve topsoil during ground clearing at initiation of construction;
 - b. gently crush native vegetation to be removed and return to disturbed area with topsoil to provide inexpensive mulch and a natural seed source;
 - c. replace topsoil and above-ground vegetation immediately after construction or disturbance is complete;
 - d. for foredunes or backdune ridges subject to wind erosion, use jute or excelsior netting as a means of erosion control;
 - e. restrict vehicle and foot traffic in the recovery area by posting signs, installing fences or other measures;
 - f. vegetation to be used for dune stabilization for revegetation shall be limited to native plants compatible with the habitat area.

Cultural Resources

25. **Cultural Resource – Construction Monitoring. During all ground disturbing construction activities,** the applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) [and Native American] to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the

resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator. A final report on compliance shall be submitted by the archaeologist **prior to final inspection**.

Hazardous Materials

- 26. Spill Contingency Plan. Prior to conducting any remediation or abandonment activities**, the applicant shall submit to the County Department of Planning and Building for review and approval an oil and fuel spill contingency plan that includes but is not necessarily limited to the following provisions. All such measures shall be implemented **prior to and/or during construction**, as appropriate, and all field measures be kept in good working order:
- a. Identification of HAZWOPER-certified personnel to deploy emergency response equipment;
 - b. Adequate oil spill cleanup and containment equipment maintained on site to respond to the first two hours of a spill (to allow time for Clean Seas Cooperative or other similar emergency response team to reach the site);
 - c. Secondary containment for parked construction equipment and fuel storage vessels. Proper containment techniques including plastic sheeting, sorbent pads and booms, and vacuum trucks shall be used when cutting or draining pipelines. All purge water and waste oil shall be disposed at a facility permitted to accept such fluids. All storage vessels used for temporary containment of contaminated ground water or recovered product shall have adequate containment structures in place so that potentially spilled materials will not impact adjacent water resources;
 - d. A wildlife contingency plan that specifies measures to deter animals from the remediation/ abandonment sites and provide care for animals that became oiled or injured during remediation/abandonment activities;
 - e. Staging, fueling, equipment and materials storage areas and soil stockpiles shall be located at least 100' away from surface water bodies or inside bermed areas to prevent releases into surface waters.
- 27. Emergency Response Preparation. Prior to commencement of abandonment activities**, the applicant shall submit to the County Department of Planning and Building, an analysis of the maximum potential drainage volume for each pipeline segment to be abandoned. **During abandonment of pipelines** equal to or larger than 6 inches, emergency oil spill response equipment, sufficient to contain and cleanup the maximum spill volume, shall be brought to the site where the pipeline is to be cut.
- 28. Pipeline Preparation. During construction**, each section of pipeline under this permit shall be a) drained, b) prepared for removal or abandonment, c) removed, properly cleaned or filled with concrete, sand slurry, or inert gas and d) the surface restored to pre-existing contours and vegetation.
- 29. Contaminated Soils. During construction**, should contaminated soils be encountered during grading excavation work, the County shall be notified immediately. Testing and characterization of the contamination shall be completed by the applicant to determine the type of contaminants and the extent of the contamination. Other regulatory agencies shall

be notified as appropriate to help determine the level of clean-up required. The applicant shall perform this additional remediation work to be in compliance with existing regulations relating to air quality and soil/groundwater contamination and hydrocarbon clean-up. Any necessary additional permits from regulatory agencies shall be obtained **prior to such remedial work commencing**.

On-going conditions of approval (valid for the life of the project)

30. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once trucking begins under this permit.
31. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Coastal Zone Land Use Ordinance.